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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,952	01/22/2007	Xiaozheng Guo	30952/41850	9228
4743 7590 11/19/2008 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER TIEU, BINH KIEN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 11/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,952

Applicant(s)

GUO ET AL

Examiner

BINH K. TIEU

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-10, 16 and 18 is/are rejected.
- 7) ☐ Claim(s) 4, 6, 11-15, 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7-10, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US. Pat. #: 5,987,107 *as cited in the previous Office Action, no new references cited*).

Regarding claim 1, Brown teaches a method for realizing charging, comprising the steps of."

a. setting up a mapping relation between a service attribute of a to-be-charged service and a charging rule of the to-be-charged service (col.5, lines 41-67);

b. acquiring the service attribute of the to-be-charged service when the to-be-charged service is needed to be charged (col.6, lines 8-23);

c. acquiring the charging rule of the to-be-charged service through the service attribute of the to-be-charged service, according to the mapping relation between the

service

attribute and the charging rule (col.6, lines 24-26); and

d. charging the to-be-charged service according to the acquired charging rule of the to-be-charged service (col.6, lines 32-45; also see flow charts in figures 5A, 5B, 5C and 5D).

Regarding claim 2, note identifiers of different call types, e.g., metered call (call type or identifier 15), marine call (call type 14), special service call (call type 16), etc (in figures 5A, 5B, 5C and 5D) and notional charge or normal charge associated with the specific identifier being applied (col.10, lines 1-16).

Regarding claim 3, note col.5, lines 47-51; col.6, lines 8-12 and col.10, lines 27-48.

Regarding claims 5 and 7, note the calling circles in which a group of customers are identified as belonging to a circle in col.5, lines 57-67 as a flag of selective service charging attribute.

Regarding claim 8, note col.4, lines 42-43; col.6, lines 53-60 and col.11, lines 1-7.

Regarding claims 9 and 10, also note in col.5, lines 57-67 that the calling circles in which a group of customers are identified as belonging to a circle in col.5, lines 57-67 as a flag of selective service charging attribute. The call will be charged with lower rate.

Thus the lower rate read on a subordinate charging rule. Also, the calls made within the circle are charged at the lower rate read on session quantity rounding policy.

Regarding claim 16, a charging system (i.e., the charging station 18 as shown in figures 1 and 2) comprising:

a module for acquiring a charging rule and a charging processing module, wherein the module for acquiring said charging rule acquires the charging rule corresponding to a to-be-charged service according to a service attribute of the to-be-charged service, and transmits the charging rule to the charging processing module;

wherein the charging processing module charges the to-be-charged service according to the transmitted charging rule (col.5, line 15 through col.8, line 45).

Regarding claim 18, also note in col.5, lines 57-67 that the calling circles in which a group of customers are identified as belonging to a circle in col.5, lines 57-67 as a flag of selective service charging attribute. The call will be charged with lower rate. Thus the lower rate read on a subordinate charging rule. Also, the calls made within the circle are charged at the lower rate read on session quantity rounding policy.

Allowable Subject Matter

3. Claims 4, 6, 11-15, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 09/16/2008 have been fully considered but they are not persuasive.

A/. In response to the Applicants' arguments stated in the second paragraph, page 14 in their remarks wherein the Applicants stated as followings:

"...Furthermore, Brown cannot be said to teach setting up a mapping between a service attribute and a charging rule, as a generally provided for in claim 1, because Brown uses a different kind of charging system, one based on a notional charge pre-assigned to each call item. As illustrated in Figure 4 thereof, the Brown system uses the notional charge and discount rates established by the system, whereas the system like that of Figure 3 of the present application (see, also page 17 line 19 - page 18 line 13), acquires the service identifier and charging category and discount (block 320) and then (blocks 330-350) determines whether a charging rule is associated with the service attribute or not. If there is no association (e.g., at service initialization), the illustrated technique then acquires the charging rule by first acquiring the service charging attribute and then applying a mapping to charging rule. The system of Brown nowhere describes this ability to acquire a charging rule from the service attribute data. Thus, for this reason as well, Brown does not teach "acquiring the charging rule of the to-be-charged service through the service attribute of the to-be-charged service, according to the mapping relation between the service attribute and the charging rule," as recited in claim 1."

The examiner respectfully disagrees with the Applicants' argued above. First of all, Brown teaches that a customer is presented with a selection of options of service usages. Once the customer made a particular selection on a service or services from the available options, Brown system defines terms and conditions (read on "**service attributes**") of services associated with the customer's selection, and stores in a form of customer's reference table. Brown system further teaches that discounts are applied in the form of category definitions to a particular system usage. The category definitions also define a group of customers to be "within the circle" or "outside of the circle" in which customer will be charged less or discounted if they are "within the circle" (see col.5, lines 41-67). Thus, Brown system clearly teaches the discounts applied to the system usages and charging a group of customer based "within a circle" or "outside a circle" are "charging rules" to system usages are clearly defined as charging rules. It should also noticed that "condition and terms" are automatically setup and binded or mapped to the "charging rules" upon the customer's selection so that the customer may be charged less or get discounts on the system usages. Assuming that, If the Brown system, for example, did **not** setup the "conditions and terms" based on selections of the customer, and did **not** map the "conditions and terms" with the "charging rules," how can the brown system identifies, determines and applied customer's reference, discounts, calculating charges, etc. to system usages by the customer(s) in their count?.

Secondly, the Examiner did not see any features that recited in "**the system like that of Figure 3 of the present application (see, also page 17 line 19 - page 18 line 13), acquires the service identifier and charging category and discount (block 320)**"

and then (blocks 330-350) determines whether a charging rule is associated with the service attribute or not. If there is no association (e.g., at service initialization), the illustrated technique then acquires the charging rule by first acquiring the service charging attribute and then applying a mapping to charging rule... Therefore, the teachings of the Brown system read on the features of **"acquiring the charging rule of the to-be-charged service through the service attribute of the to-be-charged service, according to the mapping relation between the service attribute and the charging rule,"** as recited in claim 1. In other words, the Applicants argued on the features which are **not** clearly stated in the claim 1, for example, features described on **"page 17 line 19 - page 18 line 13,"** etc.

B/. In response to the Applicants' arguments started from the third paragraph, page 14 to the first line of first paragraph, page 15 wherein the Applicants stated as followings:

"The Brown system is simply quite different than the present application. Whereas, generally speaking, the present application allows the service attribute of the to-be-charged service to be used to determine the charging rule through a mapping relation between..." and

"... in Brown no charging rule is acquired from service attribute data. Instead that data is used to categorize a call item to different notional charges and discounts based on a pre-established association. See column 2, lines 20-22..."

The Examiner respectfully disagrees with the Applicants' arguments above. Applicants argued on comparison of the Brown system with the Applicants invention to conclude that **"the Brown system is simply quite different than the present**

application” while Applicants claimed invention (said in claim 1) did **NOT** recited as the **whole** applicants’ invention. In other words, claim 1 does **NOT** recited specific on how ***“the system like that of Figure 3 of the present application (see, also page 17 line 19 - page 18 line 13), acquires the service identifier and charging category and discount (block 320) and then (blocks 330-350) determines whether a charging rule is associated with the service attribute or not. If there is no association (e.g., at service initialization), the illustrated technique then acquires the charging rule by first acquiring the service charging attribute and then applying a mapping to charging rule...,”*** as argued by the Applicants.

Briefly, Applicants argued on the features disclosed in the specification of the application, the Applicants did **not** argued ***specifically*** on limitations recited in claim 1. Applicants should also pay attentions on how broad of claim 1 is so that a reference maybe read on it. Therefore, teachings of the Brown system can read on features recited in claim 1 as explained above.

With all remarks to the Applicants’ arguments as set forth above, the Examiner believes that the rejections to the claims as set forth in the previous Office Action, as well as in the Office Action have been proper and permissible on the merits. Therefore, the Examiner has maintained the rejections in this Final Office Action for the future appeal.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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/BINH K. TIEU/
Primary Examiner
Technology Division 2614

Date: November 2008